

**DEPARTMENT OF HEALTH
STATE OF WASHINGTON
VETERINARY BOARD OF GOVERNORS
MINUTES OF MEETING**

June 5, 2006

A meeting of the Washington State Board of Veterinary Governors was called to order at 9:00 a.m., on Monday, June 5, 2006, by Camilo de Guzman, DVM, Chair. The meeting was held in Conference Room One, at the Department of Health, Center Point Corporate Park, 23425 72nd Avenue South, Kent, Washington, 98032.

**BOARD MEMBERS
PRESENT:**

Camilo de Guzman, DVM, Chair
Linda Crider, DVM
William Keatts, DVM
Willard Nelson, DVM

STAFF PRESENT:

Steven Saxe, Executive Director
Melissa Burke-Cain, Assistant Attorney General
Kristi Weeks, Staff Attorney
Judy Haenke, Program Manager

OTHERS PRESENT:

Candace Joy, Washington State Veterinary Medical Association
Deb Cofer, Washington State Veterinary Technician Association

ORDER OF AGENDA

CLOSED SESSION: 9:00 A.M.

- 1. Presentation of Stipulation to Informal Disposition**
- 2. Case Presentation**

OPEN SESSION: 10:30 a.m.

3. Call to Order - Camilo O. de Guzman, DVM, Chair

3.1 Approval of Agenda

The agenda was approved as written

3.2 Approval of March 2006 Minutes

The minutes of the March 6, 2006 meeting were approved as written.

REPORTS:

4. Camilo O. de Guzman, DVM, Chair

Dr. de Guzman introduced William Keatts, DVM, to the Board and guests. Dr. Keatts was appointed to the Board by Governor Christine Gregoire on May 5, 2006. Dr. Keatts practices in Kennewick Washington and has been licensed in Washington since 1970. Dr. Keatts attended new member orientations at the Department of Health offices in Tumwater and at the Capitol. His term will expire on December 24, 2010.

5. Willard Nelson, DVM

Dr. Nelson reported on his recent appointment to the PAVE Committee of the American Association of Veterinary State Boards. PAVE is the Program for the Assessment of Veterinary Educational Equivalence. The PAVE program assesses the educational readiness of graduates of non-AVMA accredited veterinary schools.

6. Steven Saxe, Executive Director

Mr. Saxe reported on the following.

The Department is participating in the development of draft guidelines for opioid dosing for chronic non-cancer pain. More information will be available as these guidelines are developed.

As part of an ongoing effort to improve patient safety, 2SHB2292 was passed by the Washington State Legislature and signed by Governor Gregoire on March 6, 2006. This legislation amends the pharmacy practice act by requiring all prescriptions to be either hand printed, typewritten, or electronically generated. Effective June 7, 2006, all prescriptions issued using cursive writing will no longer meet the definition of a legible prescription. A notice will be sent to all practitioners with prescriptive authority.

Governor Gregoire has requested an audit of the Department of Health and the sixteen independent boards and commissions to evaluate the professional licensing oversight and disciplinary system and suggest internal changes that would support a more effective disciplinary practice.

A Leadership Forum was held on April 26, 2006, in Renton. Two task force groups were formed as a result of that meeting. One group will review the Uniform Disciplinary

Act, focusing on unprofessional conduct, and the other group will explore a collaborative approach to investigation of complaints that cross multiple professions.

There will be a Board/Commission leadership meeting on September 28, 2006, and full Board/Commission/Committee members meeting on September 29, 2006.

8. Petition for Rule Making.

The Board reviewed and discussed a petition for rulemaking received from Adam P. Karp, of Animal Law Offices. The Petition requested new or amended rules relating to confidentiality, mandatory reporting, release of records, liening of patients, advertising by 24-hours emergency clinics and facility restrictions, informed consent and disclaimer of liability. The Board's discussion included the following.

Rules to Address a Duty of Confidentiality and Mandatory Cruelty Reporting

The Petition requests rulemaking to establish confidentiality for veterinarians. Following discussion, the Board determined that rulemaking regarding a duty of confidentiality for veterinarians is within the scope of its statutory authority and agreed to move the issue of a duty of confidentiality for veterinarians forward to the rulemaking process.

The Petition requests the Board to create an evidentiary privilege between veterinarians and clients. The Board's does not have authority to create an evidentiary privilege.

The Petition requests that the Board adopt a rule to require the reporting of suspected animal abuse and neglect. These requests are also beyond the scope of the Board's authority and should be addressed by the Legislature.

Release of Veterinary Records to Client or Client's Designee

The Petition requests the Board to enact a rule "capping" the charge to produce veterinary records. Following discussion, the Board agreed to consider the general issue of a possible amendment to WAC 246-933-320(7) to address third-party access and cost to obtain veterinary records to the rulemaking process but not the specific request for a rule to "cap" the charge to produce records.

Liening Patients

The Petition requests the Board to adopt rules preventing veterinarians from imposing liens. The Board did not agree to consider rulemaking on this issue since it is not authorized to create a general prohibition by rule. The existing WAC 246-933-080, (the veterinarian's duty of honesty, integrity and fair dealing,) appears that it would address this issue if it were the subject of a disciplinary complaint.

24-Hour Emergency Clinics

The Petition requests the Board to adopt rules governing advertising by emergency clinics and the establishment of protocols for emergency care facilities. Specific requirements for emergency clinics are already addressed in WAC 246-933-070 (Emergency Services) and WAC 246-933-080 (Duty of Honesty, Integrity, and Fair Dealing) and by RCW 18.130.180. Therefore, the Board determined that it will not consider rulemaking on advertising or protocols for emergency clinics.

Duty of Informed Consent

The Petition requests that the Board establish a rule requiring informed consent to veterinary treatment. The Board determined that it would not consider rulemaking related to informed consent because it is beyond the scope of the Board's statutory authority and/or already addressed elsewhere in rule.

Disclaimers of Liability

The Petition requests the Board to adopt a rule that makes it unprofessional conduct for a veterinarian to require a disclaimer to be signed as a condition of treatment. The Board agreed that that rulemaking is not indicated since WAC 246-933-080 specifically addresses this point:

A letter will be sent to Mr. Adam Karp regarding the Board's response to the Petition.

9. Rulemaking

The Board discussed the following proposed rulemaking.

9.1 Education and examination requirements:

The Board continued its discussion on whether to accept the Program for the Assessment of Veterinary Education Equivalence (PAVE) for applicants trained in non-accredited schools and colleges. To assist the Board in its review at the next meeting, more information will be obtained from the PAVE and Educational Commission for the Foreign Veterinary Graduates (ECFVG) programs. The Board requested staff prepare a draft rule that will combine WAC 246-933-230 and WAC 246-933-250 for review at its next meeting. A draft will be available for review at the Board's next meeting.

The board agreed that WAC 246-933-260 should be repealed because it is no longer relevant.

The Board agreed that WAC 246-933-270 Examination results, should be amended for clarity to address required passing scores on the North American Veterinary Licensing Examination, the National Board Examination the Clinical Competency Test, and the Washington State Jurisprudence Examination. References to retaking of the NAVLE

and Washington State Jurisprudence Examination should be deleted. A draft will be available for review at the Board's next meeting

WAC 246-933-290 Examination review procedures. The Board agreed that the rule should be clarified to address solely the Washington State Jurisprudence Examination and to expand the language related to the formal appeal process. A draft will be available for review at the Board's next meeting

Discussion of the following rules was deferred to a future meeting:

WAC 246-933-060 Patient abandonment and

WAC 246-933-310 Definitions.

WAC 246-933-320 General requirements for all veterinary medical facilities.

WAC 246-933-330 Minimum physical facilities.

WAC 246-933-340 Practice Management.

9.3 Continuing education requirements.

The Board considered the following proposed amendments to the continuing education rules.

WAC 246-933-401 Citation and purpose. The Board agreed on proposed updated language. A draft will be available for review at the Board's next meeting.

WAC 246-933-420 Basic requirement—amount. The Board proposed approval of courses related to practice management, with a limit of ten hours of practice management hours in any reporting period. A draft rule will be available for review at the Board's next meeting.

WAC 246-933-440 exceptions. The Board suggested updated language allowing an extension due to illness or other extenuating circumstances. A draft will be available for review at the Board's next meeting.

WAC 246-933-450 Qualification of program for continuing education credit. The Board considered updated language to read: "Continuing veterinary education consists of programs of learning which contributes directly to the advancement or enhancement of skills in the practice of veterinary medicine, surgery and dentistry." A draft will be available for review at the Board's next meeting.

WAC 246-933-460 Programs approved by the veterinary board. The Board discussed an amendment which would list approved organizations presumed to qualify as continuing education providers. The Board discussed a proposal for a new section related to approved self-study activities including reports on professional peer review medical veterinary literature and completion of preprogrammed educational materials such as correspondence courses, and courses available on tape or through the internet.

In discussing whether product specific courses should be approved, the Board agreed that information seminars by non-licensed pharmaceuticals should not be approved. A draft will be available for review at the Board's next meeting.

9.4 Animal health care tasks.

The Board agreed to amendments of paragraph (3), Emergency animal care, to clarify which tasks are delegated to veterinary technicians and which to unregistered assistants. A draft will be available for review at the Board's next meeting.

The Board continued its discussion of whether unregistered assistants should be approved to suture preexisting wounds. Dr. Willard Nelson will prepare draft language of a definition of "suturing" for review at the Board's next meeting.

9.5 Proposed new rule on sexual misconduct. A CR 101 Preproposal Statement of Inquiry, for potential development of rules related to sexual misconduct was filed with the code reviser on May 4, 2006. A stakeholder meeting is scheduled for July 19, 2006, at the Tumwater Department of Health for all interested persons. A notice will be mailed to stakeholders regarding the July 19, 2006 meeting.

10. Budget Report

The Board considered revenue and expenditures for the month ending May 31, 2006.

11. Other Open Session Business

There was no additional Open Session Business.

12. Open Forum

Candace Joy, Washington State Veterinary Medical Association, addressed the Board concerning the petition to include "suturing" by veterinary technicians.

The meeting was adjourned at 4:15 p.m.

Respectfully submitted: _____
Judy Haenke, Program Manager

Approved: _____
Camilo de Guzman, DVM, Chair